

Indiana Department of Education

Division of Exceptional Learners

### COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1842.01
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	December 4, 2001
DATE OF REPORT:	December 28, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	February 20, 2002

### COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

- 511 IAC 7-27-2(c) and (d) and 511 IAC 7-17-3 by failing to provide the parent with adequate written notice of the case conference committee meeting.
- 511 IAC 27-3(h) by convening the case conference committee meeting in the parent's absence without attempting to make other arrangements for the parent's participation or documentation of attempts to arrange the meeting at a mutually agreed upon date, time, and place.
- 511 IAC 7-27-2(a) by convening a case conference committee meeting at a time and place not mutually agreed upon, specifically, convening the meeting at a different time and a place than what the school personnel advised the parent regarding this case conference committee meeting.

### FINDINGS OF FACT:

1. The Student is a thirteen-year-old seventh-grader who has been determined eligible for special education and related services due to an orthopedic impairment and a visual impairment.
2. On or about November 14, 2001, the parent sent a letter to the local director of special education requesting that a case conference committee be convened to address her concerns about the Student's education. The parent listed the following dates and times when she and her advocate were available: November 20 at 11:30 and between 9:30 and 10:30 on December 4, 5, 6, or 7. The parent asked the director to respond in writing as soon as possible.
3. The parent alleges that she was verbally informed on or about November 27, 2001, that the meeting would be conducted at 10:00 a.m. on December 4, 2001, at the Student's school. The School's response indicates the special education office secretary verbally

informed the parent on November 20, 2001, that the CCC meeting would be on December 4, 2001, at 9:30 a.m., and that a notice would be sent.

4. The parent alleges that she did not receive written notice of the CCC meeting scheduled for December 4, 2001. The School states that it mailed the CCC notification letter to the parent on November 21, 2001; however, the School cannot document that the parent actually received the notification letter. A copy of the CCC notification letter the School asserts was sent to the parent indicates that the CCC meeting would be conducted at 9:30 a.m., on December 4, 2001, at the school administration building. There is nothing in the notification letter requiring the parent to confirm receipt of the notice or attendance at the CCC meeting. Rather the notice states the CCC will convene at the stated date, time, and place unless the parent notifies the school otherwise by the stated deadline.
5. The CCC notification letter includes the purpose of the meeting, the information to be discussed, as well as the names of all of the anticipated participants. However, the notification letter fails to indicate the title or position of all the anticipated participants.
6. The general education teacher's statement and the CCC summary indicate the meeting was convened at 9:45 a.m., on December 4, 2001, at the school administration building without the parent being present.
7. The school's response letter, dated December 7, 2001, indicates that it was unusual for the parent not to be in attendance, since she has always been present for the Student's CCC meetings.
8. The CCC coordinator's statement indicates that, at approximately 10:00 a.m., the CCC coordinator was notified that the parent had gone to the student's school for the CCC meeting and that she was in route to the school administration building to attend the CCC.
9. The CCC coordinator's and the general education teacher's statements indicate that at 10:05 a.m., the parent's advocate arrived at the meeting. The CCC summary and the general education teacher's statement indicate that when the advocate arrived at the meeting she stated she had been informed that the meeting was to convene at 10:00 a.m. The CCC coordinator's statement indicates that the advocate stated that the meeting should be recessed until the student's parent arrived. The advocate left the meeting to telephone the parent.
10. The CCC coordinator's statement and the CCC summary indicate the parent arrived for the meeting at 10:15 a.m.
11. The CCC summary, the CCC coordinator's statement, the general education teacher's statement, and the letter of complaint indicate that when the parent arrived at the meeting, she was angry and stated that the meeting was to stop and she left.

12. The CCC summary, the CCC coordinator's statement, and the general education teacher's statement indicate that the CCC meeting continued after the parent and advocate left.

**CONCLUSIONS:**

1. 511 IAC 7-27-2(c) and 511 IAC 7-17-3 require the school to provide a parent with adequate written notice prior to a scheduled CCC meeting. 511 IAC 7-27-2(d) requires the notice to include, among other things, a list of expected participants by name and title or position. Finding of Fact #4 reflects the school cannot document that it provided the parent with written notice of the December 4, 2001, CCC meeting prior to the meeting. Finding of Fact #5 indicates that the notice submitted by the School contained the names of a variety of participants, but failed to identify the title or position of a number of those individuals. Therefore, violations of 511 IAC 7-27-2(c), 511 IAC 7-27-2(d), and 511 IAC 7-17-3 are found.
2. Findings of Fact #6, #7, #8, #9, #10, #11 and #12 establish that the school convened a CCC meeting in the parent's absence without attempting to make other arrangements for the parent's participation or documenting its attempts to arrange the meeting at a mutually agreed upon date, time, and place. The parent subsequently arrived, asked that the meeting be adjourned, and left. However, the school continued the CCC meeting in the parent's absence. Therefore, a violation of 511 IAC 7-27-3(h) is found.
3. Finding of Fact #2 reflects that the parent requested a CCC meeting and provided available dates and times. Finding of Fact #3 indicates there was verbal agreement on the date for the CCC, but also reflects contradictory information on what the parties believed to be the agreed-upon time and location. Neither the parent nor the school can provide objective documentation regarding the time and location that the parties agreed to. The situation is further complicated by Finding of Fact #4 regarding the School's inability to document that it provided written notice to the parent confirming the agreed-upon time and location for the CCC meeting. Because the School cannot document that the CCC meeting was convened at a mutually agreed-upon time and location, a violation of 511 IAC 7-27-2(a) is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Jay School Corporation shall:

1. Review and, if necessary, revise procedures to ensure that:
  - a. CCC meetings are scheduled at a mutually agreed upon date, time, and location;
  - b. Parents receive written notice of the CCC meeting; and
  - c. The written notice of CCC meeting meets all of the requirements of

511 IAC 7-17-3, 511 IAC 7-27-2(c), and 511 IAC 7-27-2(d).

A copy of the procedures shall be submitted to the Division no later than January 30, 2002.

2. Send a memorandum to appropriate school personnel regarding the requirements of and procedures for scheduling a CCC meeting at a mutually agreed upon date, time, and location, as well as the written notification that is to be sent to the parent. A copy of the memorandum and a list of individuals by name and title to whom the memorandum was sent shall be submitted to the Division no later than February 6, 2002.
3. Reconvene the CCC by January 23, 2002, to address the parent's outstanding issues. Submit documentation that the CCC was scheduled at a mutually agreed upon date, time, and location and that the parent received written notification of the CCC meeting in accordance with 511 IAC 7-27-2 and 511 IAC 7-17-3. Submit both the documentation and a copy of the CCC Report/IEP to the Division no later than January 30, 2002.

DATE REPORT COMPLETED: December 28, 2001